THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.16135 OF 1996

DATED: 20-03-2007

Between:

P. Malleswara Rao and others

.. Petitioners

and

Singareni Collieries Company Limited represented by its Chairman & Managing Director, Lakdikapool, Hyderabad and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.16135 OF 1996

ORDER:

This writ petition is filed seeking a mandamus-

1) to direct the respondents to act as per Ref.No.C/3702 dated 09.12.1981 of the Chief General Manager, Singareni Collieries Company Limited for considering the promotion of the petitioners to the posts of E-2, E-3, etc.,

2) to declare that the action of the respondents in not treating the petitioners on par with other Engineering personnel working in the Singareni Collieries Company Limited, offends Articles 14 and 16 of the Constitution of India,

3) to declare the Office Order No.C/50/521 dated 06.04.1996 of the Director (Personnel) of the Singareni Collieries Company Limited, insofar as it is against the interest of the petitioners, as illegal, arbitrary and discriminatory, and

4) to direct the respondents to promote the petitioners to the post of Assistant Engineer (E-2) and further to the post of Executive Engineer (E-3) as per the Ref.No.C/3702 dated 09.12.1981 of the Chief General Manager, Singareni Collieries Company Limited with all consequential benefits such as pay, allowances, seniority etc.

During the pendency of the writ petition, the learned counsel,

who filed the writ petition, had passed away. Therefore, notices were issued to the petitioners. On behalf of the petitioners 1 to 4, 8, 10, 13, 16 and 18, Mr. Ramesh Raj, learned counsel, appeared and he sought permission of the Court to withdraw the writ petition against those petitioners. Permission was accorded and, accordingly, on 09.06.2006, the writ petition was dismissed as withdrawn against the petitioners 1 to 4, 8, 10, 13, 16 and 18. In respect of the remaining petitioners i.e. petitioners 5 to 7, 9, 11, 12, 14, 15 and 17, none appeared, in spite of service of notices. On verification, it is found that all these petitioners have retired from service long ago, on attaining the age of superannuation.

Under these circumstances, I am of the opinion that the cause in the writ petition does not survive for adjudication and the writ petition has become infructuous.

Accordingly, the writ petition is dismissed as infructuous. There shall be no order as to costs.

C.V. RAMULU, J

20th March, 2007.
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